



Election Modernization Committee, (EMC)

Meeting Agenda

Tuesday, April 07, 2020

7:30 PM.

Conducted by Remote Participation

1. Executive Order on Remote Participation
2. Review and Vote on Acceptance of Minutes for February 06, 2020
3. Update on Envision Arlington Town-Wide Survey Results
4. Review of Report to Town Meeting on EMC warrant articles
 - > (i). Article 21 - Election Modernization Committee Structure and Membership
 - > (ii). Article 23 - Consolidation of Town Meeting Member Elections
 - > (iii). Article 24 - Home Rule Legislation for Ranked Choice Voting
5. Town Election - Saturday, June 6, 2020 Alternative Voting Methods
 - > Public Comment and suggestions
6. New Business
7. Adjourn

James O'Connor is inviting you to a scheduled Zoom meeting.

Topic: Election Modernization Committee Meeting

Time: April 07, 2020 07:30 PM Eastern Time (US and Canada)

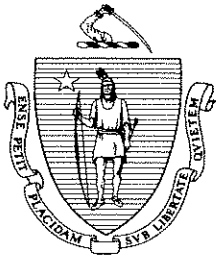
Join Zoom Meeting

<https://zoom.us/j/415192418>

Meeting ID: 415192418

Find your local number:

<https://zoom.us/u/aJ78ZrGG>



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

**ORDER SUSPENDING CERTAIN PROVISIONS
OF THE OPEN MEETING LAW, G. L. c. 30A, § 20**

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus ("COVID-19"); and

WHEREAS, many important functions of State and Local Government are executed by "public bodies," as that term is defined in G. L. c. 30A, § 18, in meetings that are open to the public, consistent with the requirements of law and sound public policy and in order to ensure active public engagement with, contribution to, and oversight of the functions of government; and

WHEREAS, both the Federal Centers for Disease Control and Prevention ("CDC") and the Massachusetts Department of Public Health ("DPH") have advised residents to take extra measures to put distance between themselves and other people to further reduce the risk of being exposed to COVID-19. Additionally, the CDC and DPH have advised high-risk individuals, including people over the age of 60, anyone with underlying health conditions or a weakened immune system, and pregnant women, to avoid large gatherings.

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise authority over public assemblages as necessary to protect the health and safety of persons; and

WHEREAS, low-cost telephone, social media, and other internet-based technologies are currently available that will permit the convening of a public body through virtual means and allow real-time public access to the activities of the public body; and

WHEREAS section 20 of chapter 30A and implementing regulations issued by the Attorney General currently authorize remote participation by members of a public body, subject to certain limitations;

NOW THEREFORE, I hereby order the following:

(1) A public body, as defined in section 18 of chapter 30A of the General Laws, is hereby relieved from the requirement of section 20 of chapter 30A that it conduct its meetings in a public place that is open and physically accessible to the public, provided that the public body makes provision to ensure public access to the deliberations of the public body for interested members of the public through adequate, alternative means.

Adequate, alternative means of public access shall mean measures that provide transparency and permit timely and effective public access to the deliberations of the public body. Such means may include, without limitation, providing public access through telephone, internet, or satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the public body while those activities are occurring. Where allowance for active, real-time participation by members of the public is a specific requirement of a general or special law or regulation, or a local ordinance or by-law, pursuant to which the proceeding is conducted, any alternative means of public access must provide for such participation.

A municipal public body that for reasons of economic hardship and despite best efforts is unable to provide alternative means of public access that will enable the public to follow the proceedings of the municipal public body as those activities are occurring in real time may instead post on its municipal website a full and complete transcript, recording, or other comprehensive record of the proceedings as soon as practicable upon conclusion of the proceedings. This paragraph shall not apply to proceedings that are conducted pursuant to a general or special law or regulation, or a local ordinance or by-law, that requires allowance for active participation by members of the public.

A public body must offer its selected alternative means of access to its proceedings without subscription, toll, or similar charge to the public.

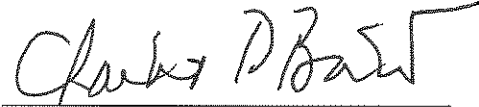
(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby suspended.

(3) A public body that elects to conduct its proceedings under the relief provided in sections (1) or (2) above shall ensure that any party entitled or required to appear before it shall be able to do so through remote means, as if the party were a member of the public body and participating remotely as provided in section (2).

(4) All other provisions of sections 18 to 25 of chapter 30A and the Attorney General's implementing regulations shall otherwise remain unchanged and fully applicable to the activities of public bodies.

This Order is effective immediately and shall remain in effect until rescinded or until the State of Emergency is terminated, whichever happens first.

Given in Boston at 6:40 PM this 12th day of
March, two thousand and twenty.

A handwritten signature in dark ink, appearing to read "Charles D. Baker", written over a horizontal line.

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts



Election Modernization Committee

Date: **February 6, 2020**

Time: **7:30-9:00pm**

Location: **Lyons Conference Room, 2nd Floor, Arlington Town Hall**

DRAFT Minutes

Attendance: Adam Badik, Greg Dennis, Walter Horn, William Logan, James O'Connor, Maxwell Palmer, Paul Raia, Jennifer Susse, Lesley Waxman

1. New member welcome

We welcomed Paul Raia, a new member of our committee designated by the Disabilities Commission. Paul is also a member of the Arlington High School Building Committee.

2. Review and Vote on Acceptance of Minutes for January 14, 2020

We reviewed the minutes from the January meeting and fixed one typographical error.

Jennifer made a motion to approve minutes. Max seconded. The minutes were approved unanimously.

3. Review of Correspondence received since last meeting

Jim reminded us that he emailed materials to us provided by Walter about approval voting. Jim asked that we all follow a similar process to distribute materials in the future: send them first to him, and he will distribute them to the committee.

4. Summary of Appearance before Select Board on January 27, 2020

Jim said that he and Greg appeared before the Select Board on January 27 to request that the Board insert our articles in the warrant on our behalf. The Board voted unanimously to do so.

5. Update of Envision Arlington Town-Wide Survey Results

Max presented some preliminary results of the survey. In the preliminary results, the vast majority of respondents reported no difficulty voting. The most notable issue was difficulty parking at a few polling locations. About 15% of respondents who vote at Peirce and about 10% of those who vote at Chestnut Manor reported difficulty parking. Adam advised that we not

downplay issues affecting a small percentage of voters, as improving turnout by even a small percentage would be an important achievement.

Paul noted that we may not know what fraction of respondents have disability issues. Greg asked whether there were any demographic questions on the survey that might give us an indication of that. Max said there is an age question, so we could look at the responses broken down by age. He then looked up those numbers and said there were no big differences in reported difficulty across age groups.

Jim reminded us that it is the Select Board that ultimately chooses the polling locations, although we can provide them a recommendation. Lesley said that there are not a great number of ADA compliant locations suitable for polling places. Greg noted that the Gibbs could potentially reopen as a polling place now, which some community members have advocated. Adam said there may be solutions beyond moving polling places, such as changes in parking rules and enforcement on election days.

Walter asked whether the town makes rides available to voters on election day for those that need one. Jim said that the League of Women Voters regularly gives rides to anyone who requests. Patti Muldoon from the League of Women Voters was present at the meeting and confirmed this was true.

Max shows us a graph of the responses to the question about lowering the voting age for town elections. The graph showed support for lowering the voting age dropping significantly as the age of the respondent increased.

Jennifer said she was working on a narrative based on the survey data to present to us at a future meeting.

6. Development of Report to ATM on Warrant Articles Submitted.

(i). Election Modernization Committee Structure and Membership

Greg presented a draft motion that made three notable changes to the 2019 vote that established the committee. First, it extended the life of the committee for an additional year. Second, it gave voting privileges to all members. Third, it gave boards and commissions who appoint representatives to the committee the freedom to designate someone who is not necessarily a member of their board. Currently, if a committee members resign from an appointing board, they are required to also resign from the committee, even if the board wishes they continue to represent them on our committee, and the third change addresses that.

Greg said that although he favors extending voting privileges to all members, he remains concerned that some of the new voting members won't show and meetings may fall short of quorum. Though he did think the proposed appointing freedom will help ensure boards can appoint motivated members. Adam and Jennifer said given the attendance at the current meeting, they didn't see a significant risk that we would not reach quorum.

Jim expressed interest in eliminating the end date on the committee altogether. Jennifer said that an indefinite end date may lack a sense of urgency to get things done now or may lead to members getting burnt out. Walter suggested that we have term lengths. Jim said that most committees have 3-year terms. Lesley said that if we extended the committee for 2 years then each of us will have effectively served a 3-year term. There was agreement that extending the committee for 2-years until the 2022 Town Meeting made sense.

Patti Muldoon, Vice-President of the League of Women Voters, asked and was granted permission to speak. She said she would like a seat on the board given to the League of Women Voters. Jennifer said she liked that idea and would add a resident under the age of 25. Adam said that the Town Moderator already has a large number of appointees would prefer this additional member be appointed by the Select Board. There was agreement on giving a seat to the League of Women Voters and to an under 25 resident, appointed by the Select Board.

Greg read the current draft with the agreed-upon edits:

“VOTED: That Town Meeting hereby amends its vote on Article 36 of the 2019 Town Meeting, wherein the “Election Modernization Study Committee” was formed, by renaming the committee to the “Election Modernization Committee” and by extending the date of the Committee’s dissolution to the close of the 2022 Annual Town Meeting.

Further, the committee membership shall be changed to consist of the following fifteen (15) members, all of whom shall be voting members:

- The Town Clerk or their designee
- One member of the Board of Registrars or their designee, as determined by such Board;
- One member of the Select Board or their designee, as determined by such Board;
- The Town Moderator or their designee;
- One member of the School Committee or their designee, as determined by the Committee;
- One member of the Disability Commission or their designee as determined by the Commission;
- One representative of the Republican Town Committee;
- One representative of the Democratic Town Committee;
- Five residents to be appointed by the Town Moderator;
- One member of the Arlington League of Women Voters or their designee, as determined by that organization;
- One resident under the age of 25 to be appointed by the Select Board.”

A majority of the members of the Election Modernization Committee shall constitute a quorum.

Adam made a motion to submit this draft to Town Counsel for his review and edits. Max seconded. The motion was approved unanimously.

(ii). Consolidation of Town Meeting Member Elections

Greg presented a draft motion of a Home Rule Petition that amends the Town Manager Act to consolidate Town Meeting Member elections when there are vacant seats into a single election per precinct. He said he sourced the language from a combination of town charters that use the same procedure and from the relevant section of the Massachusetts General Laws (MGL).

There were questions about the language that specifies how ties are resolved. The draft read: "In case of a tie vote affecting the division of terms, the members elected from the precinct shall by ballot determine the same." Greg explained that the language is straight out of the MGL and other town charters, and it means all elected town meeting members in the precinct vote to break the tie during a precinct meeting, similar to how they fill vacancies by appointment today. Lesley suggested that the last word "same" should be replaced by "division." There was agreement that this would be clearer and preferable despite the precedent for "same."

Adam asked how ties for the shortest available term are resolved, when some of those tied will win seats and some won't. Greg said that is already governed by existing practice and so isn't addressed by the draft motion, which only includes the practices we are changing. Greg said he believes those ties are also determined in a precinct meeting today, but is unsure of the specifics like whether those precinct members not subject to the tie get to vote. Adam said although it is not a change in practice, we ought to codify it anyway as part of this motion. Greg said he would seek clarity on the question from Town Counsel and the Clerk's office.

The current draft motion to be submitted to Town Counsel for his review and edits:

"VOTED: That the Town does hereby request and authorize the Select Board to file Home Rule Legislation to provide substantially as follows:

"AN ACT AMENDING THE TOWN MANAGER ACT OF ARLINGTON RELATIVE TO THE ELECTION OF TOWN MEETING MEMBERS"

Section 1. Chapter 503 of the Acts of 1952 (The Town Manager Act of Arlington) as subsequently amended, is hereby amended by renumbering Sections 9 through 44, and all references thereto, as Sections 10 through 45, respectively, and by adding the following new Section 9.

Section 9. Election of Town Meeting

The election of the members of Town Meeting shall continue as presently provided subject to the following exception.

In the event of a vacancy or vacancies in the office of town meeting representative, the town clerk shall determine the number of full terms and the number of unexpired terms to be filled. The ballot shall indicate the total number of town meeting representatives to be elected, and the candidates shall be listed together on the ballot. The candidates receiving the highest number of votes shall be elected to the 3-year terms to be filled at the election; the candidates receiving the next highest number of votes shall be elected

to the 2-year terms to be filled at the election; and the candidates receiving the next highest number of votes shall be elected to the 1-year terms to be filled at the election. In case of a tie vote affecting the division of terms, the members elected from the precinct shall by ballot determine the division.

Section 2. This Act shall take effect upon its passage.”

(iii). Home Rule Legislation for Ranked Choice Voting for Town Wide Offices

Greg presented a draft motion that would enact Ranked Choice Voting (RCV) for all town offices except Town Meeting Member. He explained that the draft specifies RCV on terms of a few concise properties, rather than the fine-grained details, and that the language was drawn from a few different city charters and past legislation. He said he was unsure whether RCV could be described in general terms in the Town Manager Act or had to be spelled out explicitly. Lesley said it may at least require language that empowers the Town Clerk to determine those details. Greg said he would discuss that issue with Town Counsel.

There were some non-controversial edits to the text. Jim suggested rephrasing language about the applicable offices from “town office, with the exception of town meeting representative,” to “town-wide office.” Walter suggested striking a phrase about the effect of a voter’s lower-ranked choice. Lesley suggested striking a sentence that could be taken as a requirement that the ballot accommodate the ranking of all candidates. With these edits the draft text read:

“VOTED: That the Town does hereby request and authorize the Select Board to file Home Rule Legislation to provide substantially as follows:

“AN ACT AMENDING THE TOWN MANAGER ACT OF ARLINGTON RELATIVE TO RANKED CHOICE VOTING”

Section 1. Chapter 503 of the Acts of 1952 (The Town Manager Act of Arlington) as subsequently amended, is hereby amended by renumbering Sections 10 through 44, and all references thereto, as Sections 11 through 45, respectively, and by adding the following new Section 10.

Section 10. Ranked Choice Voting

The method of casting and tabulating votes shall continue as presently provided subject to the following exception.

When the number of candidates for a town-wide office exceeds two and exceeds the number of seats to be filled, that office shall be elected by ranked choice voting. “Ranked choice voting” shall mean a method of casting and tabulating ballots in which voters rank candidates for office in order of preference. Ranked choice voting elections shall be tabulated in rounds using the single transferable vote method, wherein winning thresholds are calculated based on the number of countable votes and the number of seats to be filled. A ranked choice voting ballot shall not interfere with a voter’s ability to rank write-in candidates.

Section 2. This Act shall take effect upon its passage.”

Greg made a motion to submit this draft to Town Counsel for his review and edits. Lesley seconded. The motion was approved unanimously.

7. New Business, Public Comment

Patti Muldoon from the League of Women Voters spoke in favor of converting the Town Clerk position from an elected to an appointed position. Patti Sawtelle, a candidate for Town Clerk in attendance, said she agreed with that position. Jennifer said she supported it as well.

8. Adjourn

Jennifer made a motion to adjourn. Lesley seconded. The motion was approved unanimously.

Meeting adjourned at 9:27pm.

ARTICLE: VOTE/ELECTION MODERNIZATION COMMITTEE

To see if the Town will vote to extend the life of the Election Modernization Committee, change its structure, objectives, or membership, or take any action related thereto.

DRAFT MOTION: "VOTED: That Town Meeting hereby amends its vote on Article 36 of the 2019 Town Meeting, wherein the "Election Modernization Study Committee" was formed, by renaming the committee to the "Election Modernization Committee" and by extending the date of the Committee's dissolution to the close of the 2022 Annual Town Meeting.

Further, the committee membership shall be changed to consist of the following fifteen (15) members, all of whom shall be voting members:

- The Town Clerk or their designee
- One member of the Board of Registrars or their designee, as determined by such Board;
- One member of the Select Board or their designee, as determined by such Board;
- The Town Moderator or their designee;
- One member of the School Committee or their designee, as determined by the Committee;
- One member of the Disability Commission or their designee as determined by the Commission;
- One representative of the Republican Town Committee;
- One representative of the Democratic Town Committee;
- Five residents to be appointed by the Town Moderator;
- One member of the Arlington League of Women Voters or their designee, as determined by that organization;
- One resident under the age of 25 to be appointed by the Select Board."

A majority of the members of the Election Modernization Committee shall constitute a quorum.

ARTICLE: ARTICLE: HOME RULE LEGISLATION/CONSOLIDATION OF TOWN MEETING MEMBER ELECTIONS

To see if the Town will vote to authorize and request the Select Board to file Home Rule Legislation to reform the nomination and election process for Town Meeting seats to permit the consolidation of elections of Town Meeting Members when there are vacant seats into a single election per precinct, such that the highest vote-getters win the longest available terms, to promulgate regulations to effectuate the same, or take any action related thereto.

DRAFT MOTION: "VOTED: That the Town does hereby request and authorize the Select Board to file Home Rule Legislation to provide substantially as follows:

"AN ACT AMENDING THE TOWN MANAGER ACT OF ARLINGTON RELATIVE TO THE ELECTION OF TOWN MEETING MEMBERS"

Section 1. Chapter 503 of the Acts of 1952 (The Town Manager Act of Arlington) as subsequently amended, is hereby amended by inserting after Section 8 the following new Section 8A.

Section 8A. Election of Town Meeting

The election of the members of Town Meeting shall continue as presently provided subject to the following exception.

In the event of a vacancy or vacancies in the office of town meeting member, the Town Clerk shall determine the number of full terms and the number of unexpired terms to be filled at the annual election. The ballot shall indicate the total number of town meeting members to be elected, and the candidates shall be listed together on the ballot. The candidates receiving the highest number of votes shall be elected to the 3-year terms to be filled at the election; the candidates receiving the next highest number of votes shall be elected to the 2-year terms to be filled at the election; and the candidates receiving the next highest number of votes shall be elected to the 1-year terms to be filled at the election. In case of a tie vote affecting the division of terms, the members elected from the precinct, including those receiving the same number of votes to gain election, shall by a precinct ballot administered by the Town Clerk, determine the division.

Section 2. This Act shall take effect upon its passage."

ARTICLE: HOME RULE LEGISLATION/RANKED CHOICE VOTING

To see if the Town will vote to authorize and request the Select Board to file Home Rule Legislation to elect Town offices by Ranked Choice Voting, or take any action related thereto.

DRAFT MOTION: "VOTED: That the Town does hereby request and authorize the Select Board to file Home Rule Legislation to provide substantially as follows:

"AN ACT AMENDING THE TOWN MANAGER ACT OF ARLINGTON RELATIVE TO RANKED CHOICE VOTING"

Section 1. Chapter 503 of the Acts of 1952 (The Town Manager Act of Arlington) as subsequently amended, is hereby amended by renumbering Sections 9 through 44, and all references thereto, as Sections 10 through 45, respectively, and by adding the following new Section 9.

Section 9. Ranked Choice Voting

The method of casting and tabulating votes shall continue as presently provided subject to the following exception.

The offices of Select Board, School Committee, Town Clerk, Moderator, Housing Authority, and Assessor shall be elected by ranked choice voting at the annual election. "Ranked choice voting" shall mean a method of casting and tabulating ballots in which voters rank candidates for office in order of preference. Ranked choice voting shall only apply to a single-seat office when the number of candidates exceeds two and to a multi-seat office when the number of candidates exceeds the number of seats to be elected. Ranked choice voting elections shall be tabulated in rounds as follows.

(a) In any single-seat election, each round of tabulation proceeds sequentially as follows:

- 1. Each ballot shall count as one vote for the highest-ranked continuing candidate on that ballot. If two continuing candidates remain, the candidate with the fewest votes is defeated, the candidate with the greatest number of votes is elected and tabulation is complete.*
- 2. If more than two continuing candidates remain, the last-place candidate is defeated, or the last-place candidates are defeated in batch elimination, and a new round begins with subsection (a)(1).*

(b) In any multi-seat election, each round of tabulation proceeds sequentially as follows:

- 1. Each ballot shall count, at its current transfer value, for the highest-ranked continuing candidate on that ballot. If the sum of the number of elected candidates and the number of continuing candidates is equal to the sum of one and the number of seats to be elected, then the candidate with the fewest votes is defeated, all other continuing candidates are elected, and tabulation is complete.*
- 2. If at least one continuing candidate has more votes than the election threshold, then such candidates are elected. Each ballot counting for an elected candidate is assigned a new transfer value by multiplying the ballot's current transfer value by the surplus fraction for the elected candidate. Each candidate elected in this round is deemed to have a number of votes equal to the election threshold in all future rounds. A new round begins with subsection (b)(1).*
- 3. If no candidate is elected under subsection (b)(2), then the last-place candidate is defeated, or the last-place candidates are defeated in batch elimination, and a new round begins with subsection (b)(1).*

(c) If two or more last-place candidates are tied and batch elimination does not apply, the one with the fewest votes in the prior round is defeated. If two or more such tied candidates were tied in the prior round, the second tie shall be decided by referring similarly to the standing of candidates, in terms of votes, in the second-prior round. This principle shall be applied successively as many times as necessary, a tie shown in any prior round being decided by referring to the standing of the candidates in the round immediately preceding the tie.

(f) For the purposes of this section, the following terms have the following meanings:

- 1. "Batch elimination" means the simultaneous defeat of multiple candidates. A candidate is defeated in batch elimination if the candidate has fewer votes than another continuing candidate and if one of the following applies: (i) The candidate could never be elected because the candidate's current vote total plus all votes that could possibly be transferred to the candidate in future rounds is not enough to equal or surpass the candidate with the next-higher current vote total; or (ii) the candidate has fewer votes than a candidate described in (i).*
- 2. "Continuing ballot" means a ballot that is not a concluded ballot.*
- 3. "Continuing candidate" means a candidate who has not been defeated.*
- 4. "Highest-ranked continuing candidate" means the continuing candidate with the highest ranking on a voter's ballot.*
- 5. "Concluded ballot" means a ballot that does not rank any continuing candidate, contains an overvote at the highest continuing ranking, or contains two or more sequential skipped rankings before its highest continuing ranking.*
- 6. "Last-place candidate" means (i) the candidate with the lowest vote total in a round of the ranked-choice voting tabulation; or (ii) a candidate that is defeated in batch elimination.*
- 7. "Overvote" means a circumstance in which a voter ranks more than one candidate at the same ranking.*
- 8. "Ranking" means the number assigned on a ballot by a voter to a candidate to express the voter's preference for that candidate. Ranking number one is the highest ranking, ranking number two is the next-highest ranking and so on.*
- 9. "Skipped ranking" means a circumstance in which a voter does not use a ranking and ranks a candidate with a subsequent ranking.*
- 10. "Election threshold" means the number of votes above which a candidate is elected in a multi-seat election. The election threshold is calculated by dividing the total number of votes counting for continuing candidates in the first round by the sum of one plus the number of seats to be elected.*
- 11. "Surplus fraction" is a number equal to the difference between an elected candidate's vote total and the election threshold, divided by the candidate's vote total.*
- 12. "Transfer value" means the proportion of a vote that a ballot will count to its highest-ranked continuing candidate. Each ballot begins with a transfer value of 1. If a ballot counts to the election of a candidate under subsection (b)(2), it receives a new transfer value.*

(g) The Town Clerk shall have the authority to make any changes to the ranked choice voting ballot and tabulation process necessary to ensure the integrity and smooth functioning of the election, provided that ranked choice voting shall still be used and the smallest number of changes are made to achieve such purpose.

Section 2. This Act shall take effect upon its passage."

Chapter 45
of the Acts of 2020

T H E C O M M O N W E A L T H O F M A S S A C H U S E T T S

In the One Hundred and Ninety-First General Court

AN ACT GRANTING AUTHORITY TO POSTPONE 2020 MUNICIPAL ELECTIONS IN THE COMMONWEALTH AND INCREASE VOTING OPTIONS IN RESPONSE TO THE DECLARATION OF EMERGENCY TO RESPOND TO COVID-19.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith provide for the rescheduling of elections as a result of the governor's declaration of emergency to respond to COVID-19 and to increase voting options, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. (a) Notwithstanding section 9 of chapter 39, sections 26 and 28 of chapter 51 and chapters 53 and 54 of the General Laws or any other general or special law or by-law to the contrary, a city or town with a municipal caucus or annual or special municipal election scheduled between the effective date of this act and May 30, 2020, may postpone such municipal caucus or municipal election in accordance with this act.

The select board, town council, board of registrars or city council of the city or town may vote on any day prior to the date of their scheduled municipal caucus or municipal election to postpone the municipal caucus or municipal election to a date certain on or before June 30, 2020. Such rescheduled caucus or election shall be held in accordance with all applicable election laws except as otherwise provided in this act.

(b) The select board, town council or city council of a city or town postponing a municipal caucus or municipal election pursuant to this act shall, following consultation with the local election official and the chief operating officer of the municipality as to logistics and feasibility, vote to reschedule the municipal caucus or municipal election. A copy of this act, the vote of the select board, town council or city council and a sample ballot shall be placed on the official municipal website not later than 20 days before the date to which the rescheduled caucus or election has been postponed. Notice of such action shall be provided to the public in other ways reasonably calculated to enable eligible voters to learn of the rescheduled election date and to cast ballots therein. The notice may include, but shall not be limited to, a "reverse-911" call, municipal list-serve notifications, advertisement on local cable television or issuance of a press release sent to local news media.

(c) Consistent with section 107 of chapter 41 of the General Laws, an incumbent elected official whose term would have expired at a municipal annual town election if the election was not postponed pursuant to this act shall continue to serve in the official's position until a successor is elected and qualified.

(d) If this act does not take effect until after the date of a scheduled municipal caucus or municipal election during the state of emergency declared by the governor pursuant to executive order 591, declaration of a state of emergency to respond to COVID-19, the actions of the board of selectmen, town council, city council and local election officials to postpone a municipal caucus or municipal election shall be ratified, validated and confirmed as if this act had been in place prior thereto.

SECTION 2. The last day to register to vote for any annual or special municipal or state election postponed pursuant to this act or otherwise postponed in response to COVID-19 shall be 10 days before the date to which the rescheduled election has been postponed; provided, however, that the board of registrars shall hold a registration session on that date not less than from 2:00 PM to 4:00 PM and from 7:00 PM to 8:00 PM. The voting list to be used at such rescheduled election shall include all eligible voters registered as of that date.

SECTION 3. The caucus or election materials, including, but not limited to, absentee and official ballots, prepared for a municipal caucus or any annual or special municipal or state election postponed pursuant to this act or otherwise postponed in response to COVID-19 and bearing that date shall be used for the rescheduled caucus or election to the extent practicable. If additional ballots are required to be printed, the ballots shall be identical in form to those prepared for the original caucus or election.

SECTION 4. Absentee ballots cast in connection with the original election date for any annual or special municipal or state election postponed pursuant to this act or otherwise postponed in response to COVID-19, whether returned before the original election or otherwise, and received by the local election official before the close of polls on the date of the rescheduled election, shall be processed in accordance with applicable law; provided, however, that any voter who chooses to vote in person on the date of the rescheduled election may do so if their absentee ballot has not yet been counted. Completed applications to vote by absentee ballot in the rescheduled election shall be accepted by the board of registrars until 12:00 noon on the last business day before the rescheduled election.

For an election held on or before June 30, 2020 any person taking precaution related to COVID-19 in response to a declared state of emergency or from guidance from a medical professional, local or state health official, or any civil authority shall be deemed to be unable by reason of physical disability to cast their vote in person at a polling location.

SECTION 5. (a) Notwithstanding section 25B of chapter 54 of the General Laws or any other general or special law to the contrary, any eligible voter may vote early by mail for any annual or special municipal or state election held on or before June 30, 2020.

(b) Any qualified voter wanting to early vote by mail may file with their local election official an application for an early voting ballot. Any form of written communication evidencing a desire to have an early voting ballot be sent for use for voting at an election shall be given the same effect as an application made in the form prescribed by the state secretary. Local election officials shall send early voting by mail ballots to those who have applied as soon as ballots are available. No application shall be deemed to be seasonably filed unless it is received in the office of the local election official before noon on the last business day before the date on which the rescheduled election is held.

(c) Local election officials may substitute absentee ballots for early voting ballots for those voters requesting to vote early by mail in municipal elections. An early voting ballot or absentee ballot substituted for an early voting ballot, along with an envelope bearing an affidavit as set forth in section 25B of chapter 54 of the General Laws, shall be provided to each qualified voter who participates in early voting by mail.

(d) The local election officials shall cause to be placed on the voting lists opposite the name of a qualified voter who participates in early voting the letters "EV" designating an early voter.

(e) The counting of early voting ballots shall be consistent with section 25B of chapter 54 of the General Laws and implemented regulations to the extent practicable. All envelopes referred to in this section shall be retained with the ballots cast at the election and shall be preserved and destroyed in the manner provided by law for the retention, preservation or destruction of official ballots.

(f) All early voting ballots voted by mail shall be received by the town clerk before the hour fixed for closing the polls on the date on which the rescheduled election is held. Early voting ballots cast under the authority of this section shall be processed at the polls in a manner consistent with that set forth in said section 25B of said chapter 54.


House of Representatives, March 23, 2020.

Preamble adopted,

 Speaker.

In Senate, March 23, 2020.

Preamble adopted,

 , President.

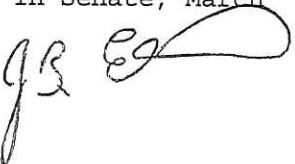
House of Representatives, March 23 , 2020.

Bill passed to be enacted,

 Speaker.

In Senate, March 23 , 2020.

Bill passed to be enacted,

 , President.

March 23 , 2020.

Approved,
at 4 o'clock and 57 minutes, P . M.



Governor.

2020 Municipal Election Early Ballot Application



William Francis Galvin
Secretary of the Commonwealth

Voter Information

1

Name: _____

Legal Voting Residence:

Date of Birth: _____ Telephone Number: _____

E-mail Address: _____

Ballot Information

2

Mail Ballot to: _____

Special Circumstances (If applicable)

3

☐ Voter required assistance in completing application due to physical disability.

Assisting person's name: _____

Assisting person's address: _____

Signed (under penalty of perjury): _____ Date: _____

Eligibility

Any registered voter may use this application to request an absentee ballot for a local election being held on or before June 30, 2020.

Completing the Application

1. Voter Information – Provide your name, legal voting address, and date of birth. Telephone number and e-mail address are optional fields.
2. Ballot Information – Provide the address where you want the ballot mailed.
3. Special Circumstances – If you are assisting a voter in completing this application, complete this section.
4. Sign your name. If you require assistance in signing the application, you may authorize someone to sign your name in your presence. That person must complete the assisting person's information in Section 3.

Submitting the Application

Send the completed application to the local election official at your city or town hall.

Applications can be mailed or hand-delivered. Applications may also be submitted electronically by fax or e-mail, as long as your signature is visible.

Please allow ample mailing time for this application and for the ballot. Ballots must be returned to your local election official by Election Day.

Find contact information for local election officials at www.sec.state.ma.us/ele or by calling 1-800-462-VOTE (8683).

Announcement of Election Rescheduled

Annual Town Election Rescheduled to June 6, 8AM-8PM

Post Date:03/31/2020 3:57 PM

Pursuant to Chapter 45 of the Acts of 2020, on March 31st, Arlington's Select Board unanimously voted to set the new date for Arlington's Annual Town Election to Saturday, June 6, 2020, 8:00 a.m. – 8:00 p.m. By law, Voter registration is also extended to May 27, 2020. Residents are further advised of additional means of voting for the rescheduled election given present public health concerns:

First, any resident "taking precaution related to COVID-19 in response to guidance from a medical professional, local or state health official, or any civil authority" is considered eligible for absentee balloting for this election only per section 4 of Chapter 45.

Second, residents will be able to request ballots for "early voting" exclusively by mail per section 5 of Chapter 45.

In the coming weeks, the Town Clerk's Office will develop further guidance on both absentee and early-voting-by-mail, including application processes for receiving and honoring such requests.

A new law has been passed allowing early voting by mail for these special elections. You may [apply now for your mail-in early ballot](#).

Voting by Mail (Updated 11:30am, 3/24/20)

Under the Massachusetts Constitution, absentee ballots are available for all elections to voters who are disabled, out of town on Election Day, or have a religious belief preventing them from voting at their polling place.

A new law has been passed clarifying that any person taking precaution related to COVID-19 in response to a declared state of emergency or from guidance from a medical professional, local or state health official, or any civil authority shall be deemed to be unable by reason of physical disability to cast their vote in person at a polling location.

It is the opinion of this office that you qualify for an absentee ballot due to physical disability if:

- You are ill;
- You are confined to your home because you may transmit infection; or
- You cannot leave your home because you are a member of a population vulnerable to illness;
- You are staying in your home or avoiding your polling place as a precautionary measure in response to COVID-19.

The law has also been updated to allow early voting by mail for any election held on or before June 30th. Early voting by mail is similar to absentee voting, but unlike absentee voting, no excuse is required.

Applications for absentee ballots are [available to be downloaded and printed](#), but you may also request an absentee ballot by writing a letter to your clerk's office, if you do not have access to a printer. Be sure to include your name and address, the election(s) for which you are requesting a ballot, and your signature. If you need the ballot mailed somewhere other than your home, be sure to provide that address.

Early ballot [applications are available for upcoming local and special elections now](#). As with absentee ballot applications, any written request is acceptable.

Completed absentee and early ballot applications must be submitted to your [local election office](#). Applications may be mailed, hand-delivered, faxed, or emailed. If you are emailing your application, you must be able to send an image of the application as an attachment, either by scanning it or by taking a picture of it. A hand-written signature must be visible.

All mail-in ballots must be back at your city or town hall by the close of polls on the day of the election – a postmark is not sufficient. Absentee ballots may be mailed or hand-delivered by a family member. Please be sure to allow enough time for the mailing of your application and your ballot.

The Secretary of the Commonwealth has filed legislation which, if passed, would offer expanded mail-in voting options for all voters for elections this held year. Any updates on new laws will be posted on this page.

Candidate Nomination Papers

As the deadlines and requirements for ballot access are set by state law, nomination paper deadlines and signature requirements cannot be waived without an act of the Legislature or a court order.

Candidates and volunteers should take appropriate precautions as they continue to gather signatures. If you are interacting with voters, be sure to have hand sanitizer or disinfectant wipes available and wash your hands frequently. If possible, consider providing signers with fresh pens and sheets of paper. Try to use a nearby flat surface so that signers can avoid handling a clipboard that you have been touching.

If you need additional nomination papers because you are mailing papers to voters or because you are trying to limit the number of signers touching pages, contact the [Elections Division](#). You may also make exact copies of

League of Women Voters of Arlington Urgent Election Recommendations

Approved by the LWVA Board on April 5, 2020 www.lwva.com

1. The Town of Arlington should seek state legislation to hold vote-by-mail municipal elections, while still allowing optional in-person voting. This would entail mailing ballots directly to all eligible voters, who could then mail the completed ballots back to the town or choose to vote in person on voting day. This action would significantly increase voter turnout, based on results of some western states that have already implemented this. This would also improve safety of all voters and workers, a major concern during the Covid-19 pandemic. This change is needed now and for the long term.
2. If the above recommendation is not approved, then the Town should mail to all eligible voters prepaid absentee ballot request forms. If even that is not approved by the Town, then the Town should seek state permission to allow voters to complete absentee ballot requests online, with a submit button to send the request directly to the Town Clerk's office. This last option would be less costly and more efficient, but would not reach all voters.
3. Concerned with safety during this pandemic, many voters and poll workers will choose to stay home. Polling locations should be significantly reduced in number. The Town should explore other polling locations (such as the Gibbs and the high school) than the ones that are currently used, both for the June and future elections. The Department of Health and Human Services should help select polling locations and establish and monitor safe voting protocols. The Town should provide all election officials with sufficient personal protective equipment (PPE).
4. The Town should immediately undertake a comprehensive outreach campaign to inform the voters that they should apply now to vote by mail, under the current state-approved process. The Town should promptly reach out to election officials to determine how many will still agree to work on the revised town election day of June 6, 2020. A new plan should be developed as soon as possible for the number of poll locations and the number of required election officials. If the number of workers is insufficient, then the Town should undertake an aggressive outreach campaign to build up the workforce and add them to the payroll in advance of election day. All election-related staff must be given paid trainings. Once the new plan is in place, the Town should then undertake a multi-platform outreach campaign to inform the voters of the election changes and new safety procedures.

Presented by Patti Muldoon, LWVA Vice President, pmmlwv@houserock.org

<https://www.lwv.org/expanding-voter-access/league-urges-adoption-key-policies-around-2020-elections-amid-covid-19>

<https://www.lwv.org/sites/default/files/2020-03/COVID-19-Coalition-Letter-updated-3.19.20.pdf>

<https://www.lwv.org/blog/10-things-elections-officials-can-do-safeguard-our-elections-spring-summer-and-fall>

VOTE BY MAIL MUST BE AVAILABLE TO ALL VOTERS

We are months away from Election Day 2020, and Americans still struggle with access to the ballot box. Multiple roadblocks can impede access: long lines, limited polling place hours, difficulties getting time off from work, electronic machines that are vulnerable to hacking, inconvenient polling locations, transportation challenges, and voter suppression and intimidation -- the challenges to casting ballots are real.

And now we are facing a global pandemic. When states require in-person voting, COVID-2019, or coronavirus, demonstrates another way things can go wrong. On Super Tuesday, [many states](#) took precautions to assure the safety of voters visiting the polls. Some voters, however, were still afraid of the threat and stayed home. There are even [examples](#) of election staff not showing up out of fear of contracting coronavirus COVID-2019.

Vote by Mail can ease all of these stressors. Voting by mail breaks down barriers to voting for seniors, working families, disabled Americans, and young voters. It can even allow voters to avoid bad weather, and offer them a way to vote without fear of contracting coronavirus COVID-2019.

Additionally, Vote by Mail has been proven to encourage greater participation in our democracy. States that have enacted Vote by Mail have seen a **15 percent higher** median turnout than polling-place-centric states during the 2018 primary.

Sen. Ron Wyden is [introducing a bill](#) to make that happen if coronavirus is causing disruptions into November or in other cases of pandemic or natural disaster.

We must, however, urge that all states adopt this measure, even without a push from Congress.

Several states have already successfully enacted Vote by Mail including Oregon, Washington, Colorado, Utah, California, and Hawaii -- and these states are seeing a higher voter turnout as a result.

Vote by Mail gives people the time and safety to vote from the convenience of their own home, saves taxpayers money on election administration and are unhackable as the paper ballots can be recounted and audited by hand.

Contact your state officials - Make voluntary Vote by Mail accessible for all!

Participating Organizations:

18 Million Rising

314 Action Fund

AB Foundation

Alliance for Youth Action

Brave New Films

California Clean Money Action Fund

CCAN Action Fund

Climate Hawks Vote

Coalition on Human Needs

Daily Kos
Endangered Species Coalition
Friends of the Earth Action
Left Action
MPower Change
NARAL Pro-Choice North Carolina
Next Up
NIAC Action
Peace Action
People Demanding Action
People for the American Way
Progress America
Progressive Takeover
Progressive Turnout Project
Social Security Works
The Alliance for Retired Americans
Women's Mar